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U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, D.C. 20515

Executive Registry
84 - 600

OLL #
84-0439

February 2, 1984

Honorable William J. Casey
Director of Central Intelligence
Washington, D.C. 20505

Dear Mr. Casey:

With over a year now having passed since enactment of the CIA Spouses Retirement Equity Act, it is an appropriate time to inquire into the operation of the Act to determine if it is being implemented as intended by Congress and if it has had any ill effects on the Agency's mission.

Therefore, it is requested that you submit to the Committee a written report which, in addition to any matter you wish to discuss, contains:

(1) A description of what steps were taken by the CIA to publicize the Act's provisions to current and former employees and their current and/or former spouses;

(2) A description of what, if any, steps were taken to insure notice to those former spouses divorced before 15 November 1982 whose rights to seek a survivor annuity expired on 15 November 1983;

(3) The number of former spouses referred to in item 2 above who sought the annuity before 15 November 1983;

(4) Your opinion as to whether it would be appropriate to retroactively extend the 15 November 1982 deadline;

(5) A description of the process established to inform spouses on how to apply for benefits under the Act and how to obtain information concerning the salary and pension of the employee spouse; and

(6) A description of the steps taken since the Intelligence Committee hearings of March and April, 1982, to improve communications between the CIA and the spouses of its employees.

In addition, it is requested that you review the personal history "vignettes" submitted to the Committee by several former spouses prior to the March, 1982, hearings to determine if they can be declassified and made public.

DCI EXEC REG

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Finally, please submit along with the written report all relevant regulations, notices, and memoranda concerning implementation of the Act.

With every good wish, I am

Sincerely yours,

Edward P. Boland

EDWARD P. BOLAND
Chairman

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84-0530

FEB 1 1984

MEMORANDUM FOR: Director, Office of Legislative Liaison

FROM: Robert W. Magee
Director of Personnel

SUBJECT: Meeting at Senate Select Committee on Intelligence (SSCI) Re Former Spouse Legislation

REFERENCE: Memo for the Record, fm [redacted] Legislation Division, OLL, dtd 10 Jan 84, Same Subject (OLL 84-0099)

25X1

1. Reference was the first indication received in this office that staff members of the Senate Select Committee on Intelligence (SSCI) were involved in reviewing complaints regarding the Agency's implementation of former-spouse legislation. Given the importance of the meeting at SSCI, I am surprised that the Office of Personnel (OP) was not advised that such a meeting was taking place or given an opportunity to provide relevant information on the Agency's implementing procedures.

2. There was a lot of Agency effort put into advising employees, retirees, and through them spouses regarding the provisions of the former-spouse legislation. A summary and copies of Agency notices to employees and letters to retirees are included in Attachment A. Also, included is an excerpt from the FY-83 annual independent analysis of CIARDS prepared by Andrew Ruddock and forwarded to the House Permanent Select Committee on Intelligence (HPSCI) (Attachment B). In his report, Mr. Ruddock, who is a well-known expert on Federal retirement programs, praised the Agency's efforts to implement and publish information on a very complex matter.

3. The remarks made at the meeting regarding the lack of knowledge and assistance provided by the Family Employee Liaison Office (FELO) do not correspond with the operating procedures and information provided by that office. Copies of the former-spouse legislation are included in packets handed out by FELO to its clients. FELO quite often receives calls and inquiries on the former-spouse issue and those calls are routinely referred to either the Office of General Counsel (OGC) or the Retirement Affairs Division (RAD) for assistance. In fact, two of the four spouses who attended the meeting at SSCI had direct dealings with FELO and received pertinent information and assistance. Similarly, there has been a great deal of effort expended in advertising the existence of FELO. This included a seminar for non-Agency-employed spouses conducted in April 1983. Another such seminar is scheduled for the Spring of 1984.

This document becomes Unclassified
when detached from attachment.

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SUBJECT: Meeting at SSCI Re Former Spouse Legislation

4. There also was a question raised regarding Agency procedures for notifying new employees on the provisions of former-spouse legislation. New employees are provided with an information sheet detailing this data at the time of entrance on duty. The procedure for new employees began in early 1983 and the information was provided retroactively to individuals entering on duty with the Agency on or after 15 November 1982, the effective date of the legislation. A copy of the information sheet provided to new employees is included as part of Attachment A.

5. Reference memorandum indicates that the SSCI is expecting additional information relevant to this issue. This office is available to assist in whatever action is deemed appropriate.

[redacted] 25X1

Robert W. Magee

Attachments: a/s

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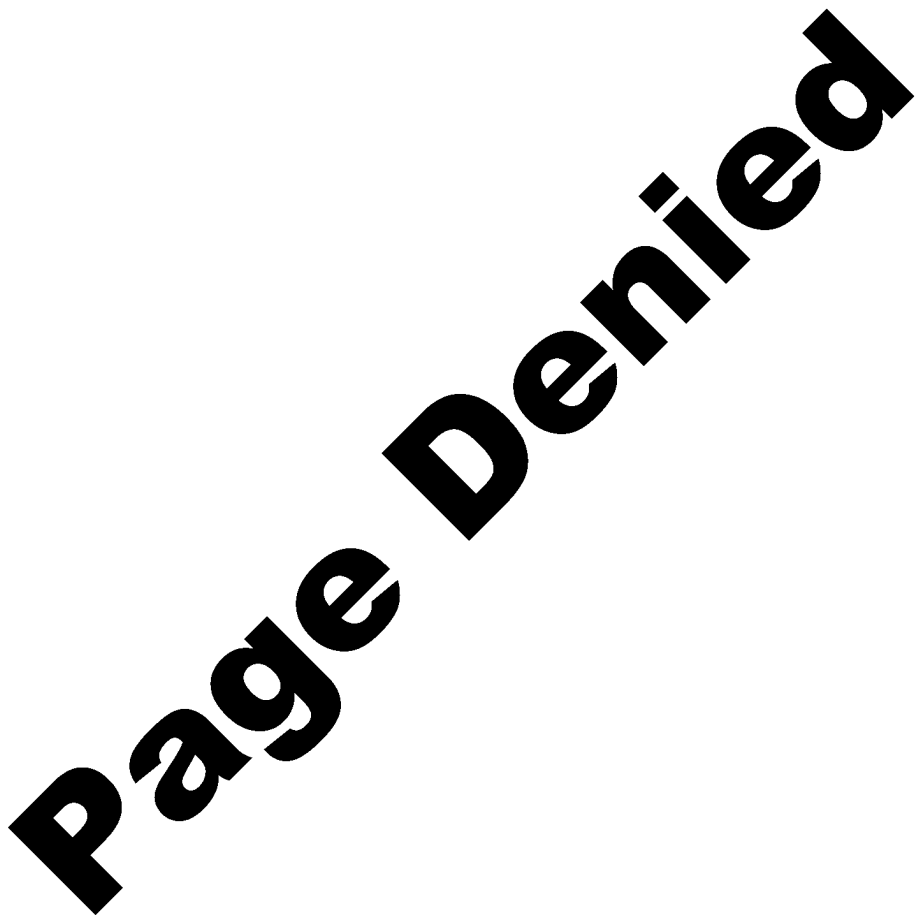

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EMPLOYEE BULLETIN

EB No. 933

29 April 1982

FORMER SPOUSE ANNUITY LEGISLATION

1. The purpose of this bulletin is to alert Agency employees that the House Permanent Select and Senate Select Committees on Intelligence are giving consideration to the adoption of "former spouse" legislation for Agency employees which is similar to the provisions of the Foreign Service Retirement and Disability System. There is a likelihood that some legislation on this subject will be enacted this session. The House Permanent Select Committee on Intelligence version would apply to Agency employees in both the Central Intelligence Agency Retirement and Disability System (CIARDS) and the Civil Service Retirement System (CSRS).

2. Currently, under CIARDS and CSRS law, there are two provisions which enable a former spouse to legally request a portion of the participant's annuity for alimony and/or child support. Under the garnishment provision, the former spouse can petition any court of any State or the District of Columbia to direct the retirement system to make direct payments to the former spouse in accordance with the court's garnishment order. Under the apportionment provision, the retirement system will make payment to the former spouse to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

3. The Foreign Service Retirement and Disability System includes the following provisions regarding former spouses:

a. Unless otherwise expressly provided by any spousal agreement or court order, a Foreign Service participant who was divorced on or after 15 February 1981, whose former spouse was married to the participant in the Foreign Service Retirement and Disability System for at least ten years during the participant's Federal civilian and military service, provided the marriage endured during some portion (one day) of the participant's employment in the Foreign Service, is entitled to an annuity--

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(1) If married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(2) If not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.

(Example: If married to the participant for 30 out of the 30 years on which the annuity is based, would be entitled to one-half or 50 percent of the participant's annuity; if married to the participant for 15 out of the 30 years on which the annuity is based, would be entitled to one-fourth or 25 percent of the participant's annuity.)

b. Subject to any election and unless otherwise expressly provided by any spousal agreement or court order, if a former participant who is entitled to receive an annuity is survived by a former spouse, the former spouse will be entitled to a survivor annuity--

(1) If married to the participant throughout the creditable service of the participant, equal to 55 percent of the full amount of the participant's annuity; or

(2) If not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 55 percent of the full amount of such annuity.

(Example: If married to the participant for 30 out of the 30 years on which the annuity is based, would be entitled to all of the survivor annuity; if married to the participant for 15 out of the 30 years of which the annuity is based, would be entitled to pro rata share or one-half of the survivor annuity. In the latter instance, the remaining one-half can be allocated to the new spouse.)

4. A former spouse will not be qualified for an annuity or survivor benefit if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

5. If the Foreign Service participant was divorced before 15 February 1981, the participant can voluntarily purchase a survivor annuity for a former spouse. This allotment is totally paid by the participant--there is no Government contribution--and is based on actuarial equivalent in value as calculated on tables of mortality as provided by the U.S. Government.

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6. The House Permanent Select Committee on Intelligence conducted a hearing on possible CIARDS legislation and has proposed the following approach:

a. That qualified former spouses be entitled to the same benefits in a manner comparable to the manner in which benefits for former spouses of participants are administered under the Foreign Service Act of 1980.

b. That the terms used in their proposed legislation be defined as follows:

"(1) 'Agency retirement system' means any Federal retirement and disability system available to employees of the Agency as employees of the Agency";

"(2) 'pro rata share' means a percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant is of (B) the total number of years of such creditable service"; and

"(3) 'qualified former spouse' means a former wife or husband of a participant who (A) was married to such participant for not less than ten years during period of creditable Agency service by such participant, at least five years of which were spent overseas by both the participant and the former spouse, and (B) has not remarried before becoming 60 years of age."

c. That the Director of Central Intelligence shall issue such regulations as are necessary to implement the provisions.

7. The Senate Select Committee on Intelligence is scheduled to consider legislation identical to the Foreign Service provisions on 5 May 1982. Question regarding this matter should be referred to the Chief, Retirement Affairs Division, Office of Personnel, on extension [redacted] STAT

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EMPLOYEE BULLETIN

EB No. 938

7 May 1982

COMMENTS TO SSCI ON FORMER SPOUSE ANNUITY LEGISLATION

Reference: EB No. 933 dated 29 April 1982

1. The Senate Select Committee on Intelligence (SSCI) has been considering legislation governing the manner in which retirement and survivor's annuities are to be apportioned in the case of divorce. A hearing on this subject generally and on S. 2422, a bill which would apply the provisions of the Foreign Service Act of 1980 to the Central Intelligence Agency Retirement and Disability System (CIARDS), was held before the Committee on 5 May 1982.

2. In response to inquiries on this subject generally and on the hearing, the SSCI has advised the Agency that it has agreed to leave open the record of the 5 May hearings for ten additional days. The purpose of this action is to permit current and former Agency employees and their spouses to make their views on the legislation known to the SSCI. In order to do this in a secure fashion, the Agency and the SSCI have agreed on the following procedures:

a. Agency employees who have written comments they wish to make on this legislation to the SSCI will submit them to the Director of Personnel.

b. All comments must be received by 13 May 1982.

c. The comments will be reviewed solely for the purpose of determining whether or not they contain classified information. If they do contain such information, the document will be classified as appropriate.

d. All documents then will be transmitted to the SSCI.

e. The SSCI has indicated that all comments then will be made part of the classified record.

f. Comments received after 13 May 1982 will be processed and sent to the SSCI, but it cannot be guaranteed that they will be put into the record.

3. Any questions on this procedure or on this general subject should be addressed to Chief, Retirement Affairs Division, extension [redacted] STAT

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EMPLOYEE BULLETIN

EB No. 947

14 June 1982

FORMER SPOUSE ANNUITY LEGISLATION

Reference: EB No. 933 dated 29 April 1982

1. The Senate Select Committee on Intelligence (SSCI) has scheduled a public session to "markup" S. 2422, the "Central Intelligence Agency Retirement and Disability System Spouses' Equity Act of 1982." The substance of the legislation was discussed in EB No. 933. The "markup" session will be held on Thursday, 17 June 1982, at 10 a.m. in Room 4232 of the Dirksen Senate Office Building.

2. The purpose of this "markup" is for the SSCI to review the bill, the hearings held thereon, and other submissions received and to vote on whether or not the bill should be amended and/or reported favorably to the full Senate for a vote. Usually no testimony is given at a "markup" session, and none is planned for this session.

3. Interested employees may attend this session. Those employees who are serving in a cover status are reminded, however, that the session will be a public one which is openly associated with the Agency and may be covered by the media.

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This Notice Expires 1 April 1983

PERSONNEL

HN 20-1128
28 September 1982

CHANGES IN RETIREMENT PROGRAM CONCERNING PROVISION FOR FORMER SPOUSE ANNUITY

Reference: FB No. 933 dated 29 April 1982

STAT

1. Title VI of H.R. 6068, "Intelligence Authorization Act for Fiscal Year 1983," contains changes in the retirement program, including the former spouse annuity provisions. The conferees expect the passage of the act in mid-September. The effective date of Title VI has been fixed at 15 November 1982.

2. In the Conference Report (H. Rept. No. 97-779), the Senate version of the former spouse legislation was adopted. This version is similar to the pertinent provisions of the Foreign Service Act of 1980. Employees in both CIARDS and the Civil Service Retirement and Disability System will be covered by the former spouse legislation provided the following requirements are met:

a. The employee was divorced on or after 15 November 1982.

b. The employee was married to the former spouse for 10 years during the period of creditable service.

c. The former spouse served overseas with the employee for five years.

3. The legislation will apply to these employees even if they leave the Agency and subsequently retire from another Government agency. Briefly, participants are required under the former spouse legislation to accept necessary reductions in their own retirement benefits to meet the following obligations:

a. A pension to a former spouse.

b. A court ordered apportionment of annuity to a former spouse.

c. A regular survivor annuity to a former spouse who has not remarried prior to age 60.

d. A proration with a former spouse of any lump-sum payment of retirement funds upon separation.

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4. Further, a participant may make an election under the following options:

a. A participant who, on 15 November 1982, has a former spouse, by spousal agreement with the current spouse, may elect to receive a reduced annuity and provide a survivor annuity for such former spouse.

b. A participant who has divorced before 15 November 1982 may elect voluntarily to purchase a survivor annuity for a former spouse. This allotment is paid totally by the particpant--there is no Government contribution--and is based on actuarial equivalent in value as calculated on tables of mortality as provided by the U.S. Government.

5. A technical amendment will permit the refund, after separation under CIARDS, of retirement deductions withheld from basic salary for service in excess of 35 years, subject first to the application of any uncovered service (either optional or prior refund service). Additional annuity or any other authorized elective benefit also may be purchased with these excess funds. Any residue will be refunded subject to notification or consent of a current spouse to such payments.

6. Any questions regarding this matter should be referred to the Chief, Retirement Affairs Division, Office of Personnel, extension [redacted]. STAT

James H. McDonald
Acting Deputy Director
for
Administration

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This Notice Expires 1 November 1983

PERSONNEL

HN 20-50-2
2 May 1983

RETIREMENT BENEFITS FOR QUALIFIED FORMER SPOUSES

STAT

1. Under the "Central Intelligence Agency Spouses' Retirement Equity Act of 1982," Congress has required that information be provided to the spouses of current employees regarding retirement benefits for qualified former spouses. A notice has been prepared for their information and will be distributed separately to all Agency employees.

2. In order to accomplish this program as quickly as possible, all employees will receive a copy of the notice and if they currently are married they are required to have the notice read, completed, and acknowledged (signed) and dated by their spouses and returned to their administrative or personnel officer. Employees who are single should sign, date, and return the notice to their administrative or personnel officers.

3. Administrative or personnel officers will maintain a record of all personnel in their area of responsibility to ensure that all Agency employees return the notice completed, signed, and dated. The notices will be forwarded to the Office of Personnel for retention in the official personnel files.

Harry E. Fitzwater
Deputy Director
for
Administration

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NOTICE

- Married employees are required to have their spouse read, acknowledge (sign), date and return this form.
- Single employees must sign, date and return this form.

29 April 1983

RETIREMENT BENEFITS FOR QUALIFIED FORMER SPOUSES

1. The purpose of this Notice is to advise you of recent changes in law which may affect your future retirement benefits. A married employee who retires after 15 November 1982, and who has served overseas five years, must take a reduction in his or her annuity in order to provide a survivor annuity for his or her spouse, unless both parties jointly elect in writing to waive or reduce the survivor benefit. In the absence of such an election, the spouse will be entitled to a survivor annuity equal to 55 percent of the employee's full annuity, subject to any prior claim to a portion of that annuity by a former spouse (see below) to whom the employee was married while accumulating credit towards retirement. In addition, a spouse must be notified of, and consent in writing to, any payment of a lump sum in lieu of annuity to or for the benefit of the employee.

2. The law also provides that qualified spouses of employees of the Organization who are divorced from the employee after 15 November 1982 shall, in the absence of a contrary court order or spousal agreement, be entitled to share in the retirement annuity and survivor annuity or lump-sum disbursements paid from retirement funds. For the purpose of these benefits, a "former spouse" is defined as a former wife or husband of an employee or former employee who was married to that employee for not less than ten years during periods of service by that employee which are creditable towards retirement, at least five years of which were spent outside the United States by both the employee and the former spouse. If married to the employee throughout the employee's entire creditable service, the former spouse is entitled to 50 percent of the employee's lifetime pension (unless a court order or spousal agreement provides otherwise). If married to the employee for less than the entire period of creditable service, the former spouse is entitled to a proportionate share of 50 percent of such annuity based on the length of the marriage to the employee during periods of creditable service compared to the total period of creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 50 percent of the employee's lifetime pension. Again, this entitlement is subject to modification by court order or spousal agreement.

3. In addition, a former spouse shall, in the absence of a contrary court order or spousal agreement, be entitled to a survivor annuity equal to 55 percent of the full amount of the employee's annuity, if married to the employee throughout the employee's entire creditable service. If married to the employee for less than the latter's entire creditable service, the former spouse is entitled to a proportionate share of 55 percent of the full annuity

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based on the length of the marriage to the employee during periods of creditable service compared to the total period of creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 55 percent of the employee's full annuity.

4. Please note that both spouses and former spouses lose their entitlement to any annuity if they remarry before becoming 60 years of age. However, if a survivor annuity is terminated because of remarriage, it may be restored at the same rate when the remarriage is dissolved.

5. If in the future you are divorced and you believe you are eligible for benefits, it would be in your interest to notify the Organization of your marital status through your spouse's official personnel channel. Please date, sign and return this notice.

I, _____, spouse of _____,
Print Name Print Name

have read and acknowledge this Notice concerning benefits for qualified former spouses.

_____ _____
Signature Date

I, _____, am an unmarried employee.
Print Name

_____ _____
Signature Date

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This Notice Expires 1 December 1983

PERSONNEL

HN 20-50-3
27 May 1983

CIA SPOUSES' RETIREMENT EQUITY ACT OF 1982

Rescission: HN 20-50-2 dated 2 May 1983

STAT

No Field Counterpart to this HN

1. The "Central Intelligence Agency Spouses' Retirement Equity Act of 1982" requires the Agency to inform those spouses covered by the act of their new rights. Spouses who are affected by this legislation are those who are married to:

a. CIA Retirement and Disability System participants

or

b. Employees in the Civil Service Retirement System who have served with the Agency outside the United States for five years or more.

2. A notice dated 29 April 1983 was prepared for the information of spouses and distributed to all Agency employees. The information it contained was intended primarily for currently eligible spouses. It has been determined that it will not be necessary for all employees (or ineligible spouses) to sign and return the 29 April 1983 notice as originally required in HN 20-50-2.

3. However, it is the responsibility of married employees who have a spouse affected by this legislation under the criteria stated in paragraph 1 above to bring this notice to the attention of their spouses and to ask them to read, complete, sign, and date the 29 April 1983 notice. This notice signed by the spouse or the employee's certification on the notice that the spouse has seen the notice should be returned to the respective administrative or personnel offices and then will be forwarded to the Office of Personnel for retention in the official personnel files.

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4. The questions most frequently asked on this subject have been answered in the attachment to this notice which is provided for the information of all employees.

STAT

Harry E. Fitzwater
Deputy Director
for
Administration

Attachment

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CHANGES IN RIGHTS OF SPOUSES AND FORMER SPOUSES

There have been some changes in the retirement law which affect the rights of spouses and former spouses of employees and annuitants in the CIA Retirement and Disability System (CIARDS), and also of some CIA employees in the Civil Service Retirement System. The following questions and answers are designed to help explain some of these changes:

WHICH AGENCY EMPLOYEES ARE AFFECTED

Question 1. I recently received a notice entitled "Retirement Benefits for Qualified Former Spouses." Do I have to sign the notice?

Answer: It has been determined that, except as explained in Question 2, no Agency employee need sign this notice.

Question 2. Who should sign the notice?

Answer: If you are married AND you are in CIARDS or if you are under Civil Service Retirement and have served with the Agency outside the United States for 5 years, your current spouse should sign the notice. If your spouse does not sign, you should return the notice with your certification that your spouse has been shown the notice. This is to comply with the requirement in the law that affected spouses be informed of their rights.

Question 3. I am a CIARDS participant. Could these changes affect me?

Answer: Yes, if you have been married.

Question 4. I am not in CIARDS but am covered by the Civil Service Retirement System. Do any of these changes affect me?

Answer: Only if you have had 5 years of overseas service and, therefore, would be qualified to join CIARDS. The changes in the law were designed to prevent Agency employees from limiting the rights of spouses and former spouses by remaining in the Civil Service rather than joining CIARDS.

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LUMP-SUM PAYMENTS

Question 5. If I leave the Agency and wish to withdraw my retirement contribution, do I have to consult with my current spouse?

Answer: If you have served overseas for 5 years with the Agency, or if you are in CIARDS, you cannot withdraw your lump-sum retirement contribution unless your current spouse agrees in writing. If your spouse does not consent, your contributions remain in the retirement fund and you will be entitled to a deferred annuity at age 62. In that way, the law assures that your qualified former spouse or current spouse will receive a survivor annuity.

Question 6. If I leave the Agency and wish to withdraw my retirement contribution, do I have to consult with my former spouse?

Answer: Before answering this question, we must be clear how the law defines former spouse because not every ex-husband or ex-wife qualifies as a former spouse. An individual qualifies as a former spouse if:

1) The individual was married to an Agency employee for 10 years;

2) During those 10 years, the employee was performing service creditable for retirement purposes;

3) Both the employee and the spouse have spent 5 of those 10 years outside the United States; and

4) The divorce occurred after 15 November 1982.

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Whenever we say former spouse we mean someone who meets all the four criteria listed above.

If you have a former spouse, he or she need not be consulted before you withdraw your lump-sum contribution, but your former spouse is entitled to receive a proportional share of that lump-sum payment unless a court order or spousal agreement expressly provides otherwise. If your former spouse was married to you during the entire period of your Federal service, he or she would receive half of the lump-sum payment.

If the marriage lasted for only part of your period of Federal service, he or she would receive proportionately less. Thus, if you had 15 years' Federal service and were married for 10 of those years, your former spouse would only receive 2/3 of 50 percent of the lump-sum payment.

SURVIVOR ANNUITY

Question 7. If I retire from the Agency under CIARDS, do I have to provide a survivor annuity for my current spouse?

Answer: Yes. It is now mandatory that you receive a reduced annuity in order to provide the maximum survivor annuity for a current spouse (55 percent of your basic annuity). The only exception is if your spouse agrees in writing to accept a lesser survivor annuity or none at all.

Question 8. If I retire under Civil Service, do I have to provide a survivor annuity for my current spouse?

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Answer: If you have 5 years of service with the Agency outside the United States, there will be an automatic reduction in your annuity to provide the maximum survivor annuity for your current spouse, just as if you were in CIARDS.

If you do not have this service, you are not required to provide a survivor benefit for your current spouse. But, if you do not provide the maximum survivor benefit, the Office of Personnel Management requires that your spouse be notified of this fact and sign an acknowledgment.

Question 9. If I retire under either CIARDS or Civil Service, have an ex-spouse, but am not currently married, do I have to provide a survivor annuity for my ex-spouse?

Answer: If your ex-spouse qualifies as a former spouse (see question 4), he or she is automatically entitled to received a survivor benefit and your annuity will be reduced accordingly. The only exception would be if a court order or spousal agreement provided otherwise.

Question 10. How is the survivor annuity divided if I have more than one former spouse?

Answer: Your former spouses will share the survivor annuity based upon the length of time they were married to you during your Federal service.

Question 11. How is the survivor annuity divided if I have a current spouse and one or more former spouses?

Answer: Your annuity would be reduced to provide a survivor annuity. Upon your death, the share owed to your former

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spouse(s) will be paid and whatever portion remains will go to your current spouse.

Example A: You have worked for the Federal Government for 30 years. During these 30 years you were married to your first spouse for 15 years, to your second spouse for 10 years, and to your current spouse for 5 years.

The survivor annuity, which is 55 percent of your annuity, would be divided as follows: your first spouse would receive 1/2 (30 divided by 15); your second spouse would receive 1/3 (30 divided by 10); and your current spouse would receive whatever remained (1/6).

Example B: You retire after 30 years of Federal service. During that period you were married to your first spouse for 10 years, you were divorced and remained unmarried for 15 years, and then were married to your current spouse for 5 years. The survivor annuity would be divided as follows: your former spouse would receive 1/3 (30 divided by 10); and your current spouse would receive whatever portion remains (2/3 in this example).

Question 12. Is my retirement annuity reduced more if I have both a former spouse and a current spouse?

Answer: No. The reduction will be the same regardless of how many beneficiaries share the survivor annuity.

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Question 13. If my former spouse remarries, is he or she still entitled to a survivor annuity?

Answer: If a former spouse remarries before reaching age 60 and before the survivor annuity commences, the right to an annuity is lost forever.

If your former spouse remarries before age 60 and was receiving a survivor annuity, this annuity ceases during the period of that marriage; but if that marriage is dissolved, the survivor annuity will be restored, subject to certain technical conditions.

If your former spouse remarries after age 60, the annuity will not cease.

Retirement Annuity

Question 14. If I retire from the Agency, will my current spouse receive a separate share of my retirement annuity?

Answer: No.

Question 15. If I have a former spouse when I retire, does that former spouse receive a separate share of my retirement annuity?

Answer: Yes, unless your former spouse has waived this entitlement or a divorce court has expressly ordered otherwise.

Question 16. How much of my annuity would my former spouse receive?

Answer: Unless the spousal agreement or the court provides a greater or lesser amount, the law specifies that up to 50 percent of your annuity will go to your former spouse or spouses. The exact amount that each former spouse will

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receive depends upon the length of time that former spouse was married to you during your Federal Service.

Example A: Your former spouse was married to you for the entire period of your Federal service; that spouse would receive a full 50 percent of your retirement annuity.

Example B: Your former spouse was married to you for 10 of the 30 years of your Federal service; he or she would receive 1/3 of 50 percent (30 divided by 10).

Divorce and Separation

Question 17. Can the rights provided by the law to a former spouse be allocated differently by a separation agreement or by a divorce decree?

Answer: Yes, under the law, a spouse or former spouse can agree to a change in the allocation of the benefits which are provided by law.

Question 18. If a former spouse seeks to obtain the annuity or survivor benefits provided by law, is there anything I can do to seek a reduction in such benefits?

Answer: Your attorney can make any appropriate arguments to the court as to what the divorce decree should include and the court may reduce the benefits provided by law.

Question 19. If a former spouse is not satisfied with the benefits provided by law, can he or she seek an increase?

Answer: In the same way that the employee can seek to have the court adjust benefits downward, a former spouse can make arguments to the court to adjust benefits upward.

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Question 20. If I have additional questions, where can I get more information?

Answer: Call the Retirement Affairs Division, extension [ ] STAT

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POST OFFICE BOX 1925
WASHINGTON, D.C. 20013

7 May 1982

NOTICE

FORMER SPOUSE ANNUITY LEGISLATION

1. The purpose of this notice is to inform Agency retirees that the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI) are giving consideration to the adoption of "former spouse" legislation for Agency employees which is similar to the provisions of the Foreign Service Act of 1980. There is a likelihood that some legislation on this subject will be enacted this session.

2. Currently, under the Central Intelligence Agency Retirement and Disability System (CIARDS) and the Civil Service Retirement System (CSRS), an employee's retirement annuity may be apportioned to make payment to a former spouse pursuant to a court decree of divorce or a court-approved property settlement.

3. The manner in which such apportionments are made under the Foreign Service Act of 1980 is, however, somewhat different. The relevant provisions of that Act may be summarized as follows:

a. A former spouse who was married to a participant in the Foreign Service Retirement and Disability System (FSRDS) for at least ten years, and throughout the period of the participant's creditable service, is presumptively entitled to 50% of the participant's retirement annuity and to a survivor's annuity in the amount of 55% of the participant's full annuity unless specifically provided otherwise by court decree of divorce or court-approved property settlement.

b. If the spouse was married to the participant for at least ten years, but not for the full period of creditable service, then the former spouse is only entitled to a pro rata share of the retirement annuity and the survivor annuity.

c. Similar provisions apply also to the language in lump-sum refund payments of retirement contributions.

d. A former spouse is not qualified for an annuity or survivor benefit if, before the commencement of that annuity, the former spouse remarries before becoming 60 years of age.

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4. HPSCI conducted a hearing on this subject and has proposed legislation as part of the Agency's Fiscal Year 1983 Authorization Bill, H.R. 6068 (Title VI), which may be briefly summarized as follows:

a. "Qualified former spouses" of Agency employees will be entitled to benefits in a manner comparable to the manner in which benefits for former spouses of participants are administered under the Foreign Service Act of 1980 (as generally described above in paragraph 3).

b. "Qualified former spouse" means a former wife or husband of a participant who: (1) was married to such participant for not less than ten years during period of creditable Agency service by such participant; (2) has at least five years of which were spent overseas by both the participant and the former spouse; and, (3) has not remarried before becoming 60 years of age.

c. For former spouses and Agency employees who fall within the group described in "b" above, this applies whether the Agency employee is a participant in CIARDS or CSRS.

5. On 5 May 1982, the SSCI conducted a hearing on S. 2422. Briefly summarized, this Bill would apply the provisions of the Foreign Service Act of 1980, as described in paragraph 2 above, to CIARDS. In response to inquiries on this subject generally and on the hearing, the SSCI has advised the Agency that it has agreed to leave open the record of the 5 May hearing for ten additional days. The purpose of this action is to permit current and former employees and/or their spouses to make their views on the legislation known to the SSCI.

6. Neither H.R. 6068 nor S. 2422 will affect those individuals who were divorced prior to the effective date of the legislation. Retirees who are divorced after enactment of the legislation, however, would be affected insofar as the provision of a survivor's annuity for a former spouse is concerned.

7. For convenience and in order to protect security concerns, individuals who wish to comment on this legislation may do so by communicating their written comments to the address on this letterhead. The comments, when received, will be reviewed solely for the purpose of determining whether or not they contain classified information. If they do contain such information, they will be classified as appropriate. All comments will then be forwarded to the Congress; however, it cannot be guaranteed that comments received after 15 May 1982 will be put into the record.

Retirement Affairs Division

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Telephone

October 1982

STAT

IMPORTANT CHANGE TO RETIREMENT LAW

INCLUDING PROVISION FOR FORMER SPOUSE ANNUITY

This notice is to inform you of changes in the law concerning retirees. The "Omnibus Budget Reconciliation Act of 1982" is effective 1 October 1982 and applies to both the CIARDS and CSRS systems. The Act includes the following changes that will effect annuitants:

Cost-of-Living Adjustments

During 1983, 1984 and 1985 the effective date of the cost-of-living adjustments has been changed from the current March 1 of each year to April 1, 1983, May 1, 1984 and June 1, 1985. These increases will be reflected in the annuity checks issued on 1 May 1983, 1 June 1984 and 1 July 1985. The COLA continues to be based on the December to December increase in the consumer price index. In 1986 the current March 1 effective date will once again apply. In addition, certain annuitants will receive less than the full cost-of-living adjustments in these three fiscal years. Annuitants who are under age 62 as of March 1 in each year and who are not disability annuitants or survivor annuitants will receive the following cost-of-living adjustments in 1983, 1984, and 1985:

April 1983 - 3.3 percent, plus any amount by which the actual CPI increase exceeds 6.6 percent

May 1984 - 3.6 percent, plus any amount by which the actual CPI increase exceeds 7.2 percent

June 1985 - 3.3 percent, plus any amount by which the actual CPI increase exceeds 6.6 percent.

If the actual cost-of-living increase granted is less than or equal to the projected adjustments for the next three years, under age 62 annuitants will receive one-half of the projected adjustment.

Disability Retirement

The test period concerning "Restored to Earning Capacity" for disability retirees has been reduced from two years to one year and the grace period to receive continued payments shortened to six months. These provisions apply to earnings after 31 December 1982. In addition, the bill allows the Retirement Systems to verify records of the Social Security Administration and the Department of Labor.

Rounding Down of Retirement Annuities

Retirement annuities will be rounded down to the next lowest dollar, both when they are computed and when they are adjusted by the rise in the cost-of-living.

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Credit for Military Service

Under previous law, military service could be credited toward a civil service annuity, but the annuity was recomputed at age 62 to exclude credit for any post-1956 military service if the individual was eligible for Social Security benefits.

The new law provides that annuities for these individuals would be reduced at age 62 by an amount equal to a fraction of their Social Security benefit computed by dividing their total military wages that were subject to Social Security deductions by their total lifetime wages that were subject to Social Security deductions. Thus, individuals having Social Security covered employment only in the military would have their civil service annuity reduced at age 62 by the full amount of the Social Security benefit they were eligible to begin receiving at age 62. However, the reduction so computed will not be permitted to be greater than the reduction required by previous law. This new formula applies to all annuity payments after October 1, 1982, including annuity payments to those who have previously reached age 62 and thus already had their annuities recomputed.

All annuitants who are affected by this provision will receive a separate notice concerning their status.

Limit on Annuities

Cost-of-living adjustments will not be made to annuities if such adjustments cause the annuities to exceed the rate of pay for a GS-15, Step 10 (now $57,500) unless the annuitants final pay (or average pay, if higher), when increased by the cumulative average General Schedule pay increase since the annuitant's retirement, is higher than that rate, in which case cost-of-living adjustments could be given up to such higher amount. This provision applies to all cost-of-living adjustments after 8 September 1982, but no annuity will be reduced.

New Legislation Effecting Former Spouses

Under Title VI, Retirement Benefits for Certain Former Spouses of Central Intelligence Agency Employees, of Public Law 97-269 the former spouse annuity provisions become effective on 15 November 1982. As defined by the Act, "former spouse" means a former wife or husband of a participant or former participant who was married to such participant for not less than 10 years during periods of service by that participant which are creditable under the Act, at least five years of which were spent outside the United States by both the participant and the former spouse.

The Act allows qualified spouses of employees who are separated from service with the Agency after 15 November 1982 and who were divorced from the participant on or after 15 November 1982 to share in the retirement annuity, survivor benefits and lump sum disbursements paid from retirement funds. The legislation does not affect those individuals who were divorced prior to the effective date of the Act. Retirees who are divorced on or after 15 November 1982 will be affected insofar as the provision of a survivor annuity for a former spouse is concerned.

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The maximum survivor annuity that may be provided for that former spouse is limited to the amount provided for that person at the time of retirement. This limited application means that unless otherwise expressly provided by any spousal agreement or court order, the former spouse shall be entitled to a survivor annuity...

A. if married to the participant (retiree) throughout the creditable service of the participant, equal to 55 percent of the elected amount of the participant's annuity, or

B. if not married to the participant (retiree) throughout such creditable service, equal to a proportion of 55 percent of the elected amount of such annuity which is the proportion that the number of days of the marriage bears to the total number of days of such creditable service.

The former spouse shall not be qualified for any annuity if the former spouse remarries before becoming 60 years of age.

It should be noted that the new provisions of law summarized above are stated in general terms and in a simplified manner. This notice is not a comprehensive statement. Any questions concerning this notice should be directed to the address on this letterhead.

CHIEF, RETIREMENT AFFAIRS DIVISION

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31 January 1983

NOTICE

This Notice is to supplement the information contained in the October 1982 release concerning former spouse legislation.

A participant who retired under the CIA Retirement and Disability System on or before 15 November 1982 and who on that date had a former spouse may, by spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse. THIS ELECTION MUST BE RECEIVED BY THE RETIREMENT SYSTEM NO LATER THAN 15 NOVEMBER 1983.

In order to be eligible for such an election, the retired participant in receipt of an annuity who has a former spouse on 15 November 1982, and who has not provided the maximum regular survivor annuity for his/her spouse or any other former spouse, may, prior to 15 November 1983, and with the notarized written consent of any current spouse, designate the uncommitted portion of his/her regular survivor annuity for such former spouse. Any applicable reduction in the retired participant's annuity shall be effective retroactively to 15 November 1982.

In addition, you should be aware that certain conditions attach to remarriage of any former spouse (regardless of the date of divorce) who is eligible to receive a survivor annuity. If, before the commencement of that annuity, the former spouse remarries prior to becoming 60 years of age, the former spouse shall not be qualified for any annuity. If the former spouse remarries after commencement of the survivor annuity, and that annuity is terminated due to remarriage, it may be restored under certain conditions.

Questions concerning this Notice should be directed to the address on this letterhead.

CHIEF, RETIREMENT AFFAIRS DIVISION

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Telephone:

23 September 1983 STAT

I M P O R T A N T

N O T I C E F O R R E T I R E E S

Recent changes in retirement law regarding benefits for former spouses are of such significance that your retirement office will remind you annually of these changes. Please retain this information with your other important retirement documents.

I. NEW LEGISLATION AFFECTING FORMER SPOUSES

Legislation providing retirement benefits for former spouses became effective on 15 November 1982.

(1) This law allows former spouses of participants who have both retired and divorced after 15 November 1982 to share in the participant's retirement annuity and survivor benefits.

(2) The law allows former spouses of annuitants already retired when the law took effect but divorced after 15 November 1982 to receive a survivor annuity only.

(3) The law also allows former spouses of participants who were divorced before 15 November 1982 to receive a survivor annuity, as explained below in subparagraph B, if the participant elects to provide this benefit.

As defined by law, "former spouse" means a former wife or husband of a participant in the retirement system who was married to the participant for not less than 10 years of creditable service by that participant, at least five years of which were spent outside the United States by both the participant and former spouse.

The remarriage of a former spouse may affect his or her rights under the new law. If the former spouse remarries prior to becoming 60 years of age, the former spouse loses his or her entitlement to any annuity. If the former spouse remarries after commencement of the survivor annuity, and that annuity is terminated due to remarriage, it may be restored under certain conditions upon dissolution of the remarriage.

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A. Former Spouses Divorced After 15 November 1982

In the absence of a spousal agreement or court order expressly providing otherwise, the amount of any annuity payable to a former spouse is calculated by formula based on length of marriage to the participant compared to the participant's total creditable service. If married to the participant for the entire period of creditable service, the former spouse may be entitled to a maximum of 50 percent of the participant's lifetime annuity as well as the full survivor benefit (equal to 55 percent of the participant's annuity). If married to the participant for less than the entire period of creditable service, the former spouse would be entitled to proportionately less of each annuity.

B. Former Spouses Divorced Before 15 November 1982

The law allows a former spouse otherwise qualified but divorced before 15 November 1982 to receive a survivor annuity if:

a. the participant elects to provide a survivor annuity to the former spouse;

b. the participant has not already provided the maximum survivor annuity to another spouse or former spouse; and

c. the current spouse, if any, consents in writing.

If you have a "former spouse" divorced before 15 November 1982, you may choose to provide a survivor benefit but your election must be received by the retirement system no later than 15 November 1983.

II. ADDITIONAL INFORMATION ABOUT THE EFFECT OF CHANGES IN ANNUITANT'S MARITAL STATUS ON SURVIVOR ANNUITIES

If you were divorced before 15 November 1982 or if your ex-wife or husband does not qualify as a "former spouse" as defined above, then the following choices are open to you:

(1) Annuitants Who Were Married at the Time of Retirement and Elected a Survivor Benefit

If, at the time of retirement, your annuity was reduced to provide a survivor annuity for your spouse, and your marriage subsequently ended through death, divorce, or annulment, you are eligible to have your annuity restored to

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the full single-life rate by notifying this office in writing and submitting a certified copy of the death certificate, divorce decree, or annulment.

If an annuitant has been restored to the full single-life rate and subsequently remarries, the annuitant must notify this office in writing within one year after the date of remarriage whether or not he/she desires to elect a reduced annuity to provide a survivor benefit for the new spouse and must submit a certified copy of the marriage certificate. SURVIVOR PROTECTION IS NOT AUTOMATIC. If your election is received within the required time limit, the reduction in your annuity to provide this survivor protection will be effective the first day of the month following a complete year of marriage and will be the same percentage reduction that was in effect immediately before the dissolution of the previous marriage.

(2) Annuitants Who Were Married at the Time of Retirement and Did Not Elect a Survivor Benefit

If an annuitant was married at the time of retirement and did not elect to provide a survivor benefit for the spouse, the annuitant may reconsider the election for a qualified former spouse divorced prior to 15 November 1982 as explained previously. However, the annuitant is NOT, repeat NOT, eligible upon remarriage to change the election for the new spouse. In the latter case, the annuitant's election for the new spouse is expressly limited by law to the election made prior to the dissolution of the previous marriage.

(3) Annuitants Who Were Not Married at the Time of Retirement

An annuitant who was not married at the time of retirement but who later marries, may irrevocably elect survivor protection. The annuitant must notify this office in writing within one year after the date of marriage whether or not he/she desires to elect a reduced annuity to provide a survivor benefit for the new spouse and must submit a certified copy of the marriage certificate. SURVIVOR PROTECTION IS NOT AUTOMATIC. If your election is received within the required time limit, the reduction in your annuity to provide this survivor protection will be effective the first day of the month following a complete year of marriage.

If a reduced annuity was elected in order to provide a survivor benefit to a person having an "insurable interest" in you and that person predeceases you, you are entitled to have your full annuity rate restored by notifying this office in writing and submitting a certified copy of the death certificate. The effective date of restoration will be the first day of the month following the date of death.

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If you elected a reduced annuity to provide a survivor benefit to a person having an "insurable interest" and you marry after 1 October 1978, you may elect to provide a survivor annuity for your spouse as explained above, bearing in mind the time limitation. Such an election will void your previous "insurable interest" election, although that reduction will remain in effect until replaced by the reduction for your spouse one year after the marriage.

Any questions concerning the above should be submitted in writing to the address on this letterhead.

CHIEF, RETIREMENT AFFAIRS DIVISION

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This Notice Expires 1 November 1983

PERSONNEL

HN 20-50-2
2 May 1983

RETIREMENT BENEFITS FOR QUALIFIED FORMER SPOUSES

STAT

1. Under the "Central Intelligence Agency Spouses' Retirement Equity Act of 1982," Congress has required that information be provided to the spouses of current employees regarding retirement benefits for qualified former spouses. A notice has been prepared for their information and will be distributed separately to all Agency employees.

2. In order to accomplish this program as quickly as possible, all employees will receive a copy of the notice and if they currently are married they are required to have the notice read, completed, and acknowledged (signed) and dated by their spouses and returned to their administrative or personnel officer. Employees who are single should sign, date, and return the notice to their administrative or personnel officers.

3. Administrative or personnel officers will maintain a record of all personnel in their area of responsibility to ensure that all Agency employees return the notice completed, signed, and dated. The notices will be forwarded to the Office of Personnel for retention in the official personnel files.

Harry E. Fitzwater
Deputy Director
for
Administration

DISTRIBUTION: ALL EMPLOYEES

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- Married employees are required to have their spouse read, acknowledge (sign), date and return this form.
- Single employees must sign, date and return this form.

29 April 1983

RETIREMENT BENEFITS FOR QUALIFIED FORMER SPOUSES

1. The purpose of this Notice is to advise you of recent changes in law which may affect your future retirement benefits. A married employee who retires after 15 November 1982, and who has served overseas five years, must take a reduction in his or her annuity in order to provide a survivor annuity for his or her spouse, unless both parties jointly elect in writing to waive or reduce the survivor benefit. In the absence of such an election, the spouse will be entitled to a survivor annuity equal to 55 percent of the employee's full annuity, subject to any prior claim to a portion of that annuity by a former spouse (see below) to whom the employee was married while accumulating credit towards retirement. In addition, a spouse must be notified of, and consent in writing to, any payment of a lump sum in lieu of annuity to or for the benefit of the employee.

2. The law also provides that qualified spouses of employees of the Organization who are divorced from the employee after 15 November 1982 shall, in the absence of a contrary court order or spousal agreement, be entitled to share in the retirement annuity and survivor annuity or lump-sum disbursements paid from retirement funds. For the purpose of these benefits, a "former spouse" is defined as a former wife or husband of an employee or former employee who was married to that employee for not less than ten years during periods of service by that employee which are creditable towards retirement, at least five years of which were spent outside the United States by both the employee and the former spouse. If married to the employee throughout the employee's entire creditable service, the former spouse is entitled to 50 percent of the employee's lifetime pension (unless a court order or spousal agreement provides otherwise). If married to the employee for less than the entire period of creditable service, the former spouse is entitled to a proportionate share of 50 percent of such annuity based on the length of the marriage to the employee during periods of creditable service compared to the total period of creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 50 percent of the employee's lifetime pension. Again, this entitlement is subject to modification by court order or spousal agreement.

3. In addition, a former spouse shall, in the absence of a contrary court order or spousal agreement, be entitled to a survivor annuity equal to 55 percent of the full amount of the employee's annuity, if married to the employee throughout the employee's entire creditable service. If married to the employee for less than the latter's entire creditable service, the former spouse is entitled to a proportionate share of 55 percent of the full annuity

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based on the length of the marriage to the employee during periods of creditable service compared to the total period of creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 55 percent of the employee's full annuity.

4. Please note that both spouses and former spouses lose their entitlement to any annuity if they remarry before becoming 60 years of age. However, if a survivor annuity is terminated because of remarriage, it may be restored at the same rate when the remarriage is dissolved.

5. If in the future you are divorced and you believe you are eligible for benefits, it would be in your interest to notify the Organization of your marital status through your spouse's official personnel channel. Please date, sign and return this notice.

I, _____, spouse of _____,
Print Name Print Name

have read and acknowledge this Notice concerning benefits for qualified former spouses.

_____ _____
Signature Date

I, _____, am an unmarried employee.
Print Name

_____ _____
Signature Date

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NOTICE

10 June 1983

RETIREMENT BENEFITS FOR QUALIFIED FORMER SPOUSES

1. The purpose of this Notice is to advise you of recent changes in law which may affect your future retirement benefits. A married employee who retires after 15 November 1982, and who has served overseas five years, must take a reduction in his or her annuity in order to provide a survivor annuity for his or her spouse, unless both parties jointly elect in writing to waive or reduce the survivor benefit. In the absence of such an election, the spouse will be entitled to a survivor annuity equal to 55 percent of the employee's full annuity, subject to any prior claim to a portion of that annuity by a former spouse (see below) to whom the employee was married while accumulating credit towards retirement. In addition, a spouse must be notified of, and consent in writing to, any payment of a lump sum in lieu of annuity to or for the benefit of the employee.

2. The law also provides that qualified spouses of employees of the Organization who are divorced from the employee after 15 November 1982 shall, in the absence of a contrary court order or spousal agreement, be entitled to share in the retirement annuity and survivor annuity or lump-sum disbursements paid from retirement funds. For the purpose of these benefits, a "former spouse" is defined as a former wife or husband of an employee or former employee who was married to that employee for not less than ten years during periods of service by that employee which are creditable towards retirement, at least five years of which were spent outside the United States by both the employee and the former spouse. If married to the employee throughout the employee's entire creditable service, the former spouse is entitled to 50 percent of the employee's lifetime pension (unless a court order or spousal agreement provides otherwise). If married to the employee for less than the entire period of creditable service, the former spouse is entitled to a proportionate share of 50 percent of such annuity based on the length of the marriage to the employee during periods of creditable service compared to the total period of creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 50 percent of the employee's lifetime pension. Again, this entitlement is subject to modification by court order or spousal agreement.

3. In addition, a former spouse shall, in the absence of a contrary court order or spousal agreement, be entitled to a survivor annuity equal to 55 percent of the full amount of the employee's annuity, if married to the employee throughout the employee's entire creditable service. If married to the employee for less than the latter's entire creditable service, the former spouse is entitled to a proportionate share of 55 percent of the full annuity

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based on the length of the marriage to the employee during periods of creditable service compared to the total period of creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 55 percent of the employee's full annuity.

4. Please note that both spouses and former spouses lose their entitlement to any annuity if they remarry before becoming 60 years of age. However, if a survivor annuity is terminated because of remarriage, it may be restored at the same rate when the remarriage is dissolved.

5. If in the future you are divorced and you believe you are eligible for benefits, it would be in your interest to notify the Organization of your marital status through your spouse's official personnel channel. Please date, sign and return this notice.

I, _____, spouse of _____,
Print Name Print Name

have read and acknowledge this Notice concerning benefits for qualified former spouses.

_____ _____
Signature Date

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Letter to Employee's Former Spouse (divorced after 15 November 1982).

POST OFFICE BOX 1925
WASHINGTON, D. C. 20013

Telephone:

Name:

Address:

Dear

As the former spouse of (name of employee), you may be eligible, if qualified, for a portion of his or her retirement benefits. For the purpose of these benefits, a "former spouse" is defined by law as a former wife or husband of an employee or former employee who was married to that employee for not less than 10 years during periods of service by that employee which are creditable towards retirement, at least 5 years of which were spent outside the United States by both the employee and the former spouse.

This benefit allows qualified former spouses of employees of the Organization, who were divorced from the employee after 15 November 1982, to share in the retirement annuity and survivor benefits or lump sum disbursements paid from retirement funds. Unless otherwise expressly provided by any qualifying spousal agreement or court order, such former spouses are entitled to a share in the employee's lifetime pension equal to 50 percent of the employee's

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annuity, if married to the employee throughout the employee's entire creditable service. If married to the employee for less than the entire period of creditable service, the former spouse is entitled to a proportionate share of 50 percent of such annuity based on the length of the marriage to the employee during periods of creditable service compared to the total creditable service. For example, if the employee worked for federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 50 percent of the employee's lifetime pension.

In addition, the former spouse shall, in the absence of a contrary court order or spousal agreement, be entitled to a survivor annuity equal to 55 percent of the employee's annuity if married to the employee throughout the employee's entire creditable service. If married to the employee for less than the entire period of the latter's creditable service, the former spouse shall be entitled to a proportionate share of 55 percent of the full annuity based on the length of the marriage to the employee during periods of creditable service compared to the total creditable service. For example, if the employee worked for the federal government for 30 years, and you were married to the employee for 20 of those 30 years, you would be entitled to two-thirds of 55 percent of the employee's full annuity.

Please note that a former spouse shall not be qualified for <u>any</u> annuity if he or she remarries before becoming 60

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years of age. However, if a survivor annuity is terminated because of remarriage, it may be restored at the same rate following dissolution of that remarriage.

To determine your eligibility for future annuity benefits, you may be requested to provide us with information concerning your five years of residence with the employee outside the United States as well as verification of your dates of marriage and divorce from the employee.

So that we will know where to contact you should you be eligible for any of these benefits in the future, please advise us of all future changes of address and marital status, if any, as they occur.

Thank you for your cooperation.

Sincerely,

Chief, Retirement Affairs Division

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NOTICE: FORMER SPOUSE ANNUITY PROVISIONS

The purpose of this notice is to bring to your attention the provision of the retirement program that establishes procedures where certain former spouses of employees may be entitled to retirement benefits.

Employees in both the CIARDS and Civil Service Retirement and Disability System will be covered provided:

a. The employee was divorced on or after 15 November 1982.

b. The employee was married to the former spouse for 10 years during the period of creditable service.

c. The former spouse served overseas with the employee for five years.

This provision will apply to these employees even if they leave the Agency and subsequently retire from another Government agency. Briefly, participants are required under the former spouse legislation to accept necessary reductions in their own retirement benefits to meet the following obligations:

a. A pension to a former spouse.

b. A court ordered apportionment of annuity to a former spouse.

c. A regular survivor annuity to a former spouse who has not remarried prior to age 60.

d. A proration with a former spouse of any lump-sum payment of retirement funds upon separation.

Further, a participant may make an election under the following options:

a. A participant who, on 15 November 1982, has a former spouse may, by spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse.

b. A participant who is divorced on or after 15 November 1982 may elect voluntarily to purchase an additional survivor annuity for a former or current spouse. This allotment is paid totally by the participant--there is no Government contribution--and is based on actuarial equivalent in value as calculated on tables of mortality as provided by the U.S. Government.

Any questions regarding this matter should be referred to the Retirement Affairs Division, Office of Personnel, extensio[redacted]

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This Notice Expires 1 August 1983

PERSONNEL

HN 20-99-3
17 January 1983

NOTIFICATION OF DIVORCE

References: EB No. 933 dated 29 April 1982
HN 20-1128 dated 28 September 1982

STAT

1. The Central Intelligence Agency Spouses' Retirement Equity Act of 1982, Public Law 97-269, effective 15 November 1982, authorizes annuity and survivor annuity or lump-sum payments for certain former spouses of Agency employees. Pursuant to the law, a "Notification of Divorce" form must be completed by personnel who are divorced after 15 November 1982 and who have served at least five years outside the United States. The entitlement of a former spouse who satisfies all the requirements of the law is valid even though the employee leaves the Agency and eventually retires from another Federal retirement system. It also is valid in the case of an employee who elects not to be a participant in the CIA Retirement and Disability System but to remain in Civil Service during his or her career in the Agency and eventually retires under Civil Service.

2. The Retirement Affairs Division, Office of Personnel (RAD/OP), upon receipt of the "Notification of Divorce" form, will notify the former spouse that he or she may be entitled to a share of the employee's annuity and a survivor annuity or lump-sum payment. Former spouses will be advised to keep RAD/OP informed of their current address so they may be contacted upon the employee's retirement, death, or lump-sum withdrawal of retirement funds.

3. The information contained in the "Notification of Divorce" form is required to identify former spouses eligible to share the employee's benefits. Certification of marriage, divorce, and overseas qualifying service will be required to establish a claim. A sample of the form is attached and may be used until forms are published.

4. Any questions regarding this matter should be referred to RAD/OP on extensions

STAT

Harry E. Fitzwater
Deputy Director
for
Administration

Attachment

DISTRIBUTION: ALL EMPLOYEES

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NOTIFICATION OF DIVORCE

Form to be completed by employees divorced after 15 November 1982 who have served at least five years outside the United States.

To enable the Office of Personnel to determine if your former spouse is eligible under P.L. 97-269 to receive an annuity and survivor benefits or lump-sum payment based on your service, the following information is required:

Employee Name:	
Employee DOB:	Employee SSN:
Former Spouse Name:	
Former Spouse DOB:	Former Spouse SSN:
Date of Marriage:	Place of Marriage:
Date of Divorce:	Place of Divorce:
Last Known Address of Former Spouse:	
Location of Post Outside U.S. Accompanied by Former Spouse:	Dates: From To

Return completed form to:

Chief, Retirement Affairs Division
Room 906, Ames Building

SECRET (when filled in)

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25X1
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NOTIFICATION OF DIVORCE

Form to be completed by employees divorced after 15 November 1982 who have served at least five years outside the United States.

To enable the Office of Personnel to determine if your former spouse is eligible to receive an annuity and survivor benefits or lump-sum payment based on your service, the following information is required:

Employee Name:	
Employee DOB:	Employee SSN:
Former Spouse Name:	
Former Spouse DOB:	Former Spouse SSN:
Date of Marriage:	Place of Marriage:
Date of Divorce:	Place of Divorce:
Last Known Address of Former Spouse:	
Location of Post Outside U.S. Accompanied by Former Spouse:	Dates: From To

Return completed form to Office of Personnel

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CENTRAL INTELLIGENCE AGENCY SPOUSES RETIREMENT EQUITY ACT OF 1982

Last year's annual report included a very brief description of the CIA Spouses Retirement Equity Act of 1982, enacted by Title VI of Public Law 97-269 approved 27 September 1982. As a direct amendment to CIARDS, this legislation does not require a conforming Executive order, but does need the third step in the amending process, which is the revision of Agency regulations. 25X1

The purpose of this legislation is to provide a measure of protection to former spouses as well as current spouses. A former spouse is a former wife or husband who was married to an Agency employee during at least 10 years of creditable service, at least 5 years of which were spent outside the United States by both the employee and the spouse. When these conditions are met, the new legislation applies to employees of the Agency whether they are under CIARDS or the Civil Service Retirement System, and the provisions follow an Agency employee who transfers to another Government agency. 25X1

During the fiscal year 1983 the Agency used a series of letters and other issuances to do a highly commendable job of informing current employees, annuitants, spouses, and former spouses of the enactment and the provisions of the CIA Spouses Retirement Equity Act of 1982. 25X1

By 30 September 1983, 71 individuals had made direct inquiries about their eligibility for benefits under P.L. 97-269. Most of these inquiries have been resolved by correspondence informing the inquirer that all of the requirements are not met. Two former spouses are currently receiving benefits under this new law. Another 7 have been informed that they will be eligible for a share of monthly annuity when the employee retires, and a final 7 will be eligible for a monthly benefit if they survive the retired employee to whom they were formerly married.

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The Central Intelligence Agency Spouses' Retirement Equity Act will not be easy to administer. It is a complex legislative enactment, particularly because it applies to Agency employees regardless of which retirement system they are under and it follows them if they transfer to another part of the government.

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5. There were no changes in the law that will have any bearing on the exercise of discretion to designate Agency employees for participation in CIARDS.

The legislation which mandates Social Security coverage for Agency employees hired on or after 1 January 1984 will require major changes in both CIARDS and CSRS to coordinate them with Social Security. It is essential that the new system continue to serve the Agency needs now met by CIARDS.

6. Executive Order 12443 issued 27 September 1983 conforms CIARDS to amendatory legislation enacted 8 September 1982, 15 October 1982, and 21 December 1982. The nine-month delay between the last amendment and issuance of the Executive order occurred after the draft order left the Agency, and was beyond the control of the Agency.

7. The CIARDS regulations were not revised during the year. Revisions to reflect legislation enacted in September of 1982 have not yet been issued. This revision was delayed pending issuance of Executive Order 12443 which was finally approved 27 September 1983, but the revisions are still pending as this is written.

8. The Agency is carrying out its responsibilities under the Central Intelligence Agency Spouses' Retirement Equity Act of 1982 in a highly commendable fashion. Appropriate notices have been given to persons potentially affected, and individual inquiries have been handled with dispatch.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: ExO/OMS 1D4061 Hdq

EXTENSION

NO.

DATE 30 Jan 84

25X1

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. APC 315 Ames Bldg.	1/30	2/6	LD	Orig to 1: For review and comment.
2. [illegible]			[illegible]	1-1. I can see for an APC is concerned, as [illegible] committee issue, it's very relevant. It's also an administrative nuisance!
3. ExO/OMS 1D4061 Hdq				1-3: The Agency has a responsibility to inform current + former spouses of their rights. All new employees/spouses can be informed at EOD; as for long term employees - certainly an effective system can be devised without compromising cover. Two specific points: 1) I cannot imagine [illegible] spousal access to medical records would be necessary. 2) I wonder about the accuracy of the charge that FELD STAFF was unable to be helpful re this legislation - they should certainly have an opportunity to respond to and to correct - if necessary - that perception as well as the general lack of awareness of the [illegible] in fact,
4.				
5.				
6.				
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8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

FORM 1-79 610 USE PREVIOUS EDITIONS

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: ExO/OMS 1D4061 Hdq

EXTENSION | NO.

DATE 30 Jan 84

25X1

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. AC/SPD/OMS [redacted]	1 Feb 84		RGA	Orig to 1: For review and comment. 25X1
2.				
3.				
4. ExO/OMS				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

(1)a) The business about the annuities, etc..., is best left to the attorneys, OP, etc...

b) Insofar as making available medical records on dependents and former dependents goes, such a response to that kind of request would not necessarily be unreasonable (though sanitizing them might be a large workload). I would suggest that policy be along the lines of making the sanitized records available on request by a dr. of the dependents' choosing, all of this on an individual basis, as opposed to releasing the records routinely to all dependents whether requested or not. In any case, such a policy would seem humanistic and in accordance with good medical practice, the prudent physician rule, and security consciousness, for and measure, seem to satisfy point III. in [redacted] 25X1 letter of 5 January 1984. I have assumed that she did not mean that she wants all the dependents' records into OMS to read their charts in [redacted] 25X1 office.

A final point: I think OMS does good medical work-ups and that there is nothing for us to be ashamed of if we should share our medical information with other drs. of the dependents choosing. Sanitizing of the records, particularly the psychiatric ones, would be a major task. Often, when a dependent is seen psychiatrically, it is because there was a particularly sensitive site or project involved.

RGA

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: ExO/OMS 1D4061 Hdq

EXTENSION

NO.

STAT

DATE 30 Jan 84

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/PSD/OMS	1/31/84	1/31/84	JLH	Orig to 1: For review and comment.
2.				
3. ExO/OMS	2/1/84			
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

Harry,

Not having a legal background it is hard for me to evaluate all this. It does appear, however, that these women have a legitimate complaint. I believe that the suggestions made in a couple of places, viz., to have a Stress Family Employee Liaison Office, is an excellent one. That Office should handle this fairly and promptly. I also believe that great emphasis should be placed on these issues during EOD briefings and that spouses should be informed of their rights at that time. Aside from these suggestions, there is little else I can suggest.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: ExO/OMS 1D4061 Hdq

EXTENSION

NO.

STAT

DATE 30 Jan 84

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/RSD/OMS		31/1		Orig to 1: For review and comment.
2.				
3. ExO/OMS	31 JAN 1984			
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

OMS policy remains the same, i.e., an employee, spouse, ex-spouse, or child 18 yrs. or older may request their medical records be sent to a private physician by submitting a signed release. Records of children under 18 may be released to OMS with signed release from parent who has custody of child.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: ExO/OMS 1D4061 Hdq

EXTENSION

NO.

STAT

DATE 30 Jan 84

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/EAS/OMS	30 JAN 1984	30 Jan		Orig to 1: For review and comment.
2.				1-4 Believe the responses to medical record different, + necessity to get release under FOIA are in error.
3.				Believe that EAS can make current appeal to assist FLO.
4. ExO/OMS	31 JAN 1984			agree that when employee divorce that Spouse should be notified by Agency that they may be eligible for annuity.
5.				
6.				
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10.				
11.				
12.				
13.				
14.				
15.				

STAT

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: ExO/OMS 1D4061 Hdq

EXTENSION

NO.

STAT

DATE 30 Jan 84

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/POD/OMS	30	30	[illegible]	Orig to 1: For review and comments. 1→3: It appears OMS' administrative role is simply to comply with regulations regarding Silos. The clinical issues, however, involving the dynamics of separation and divorce may be worth including in any psychiatric evaluation. STAT
2.				
3. ExO/OMS	1/30			
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

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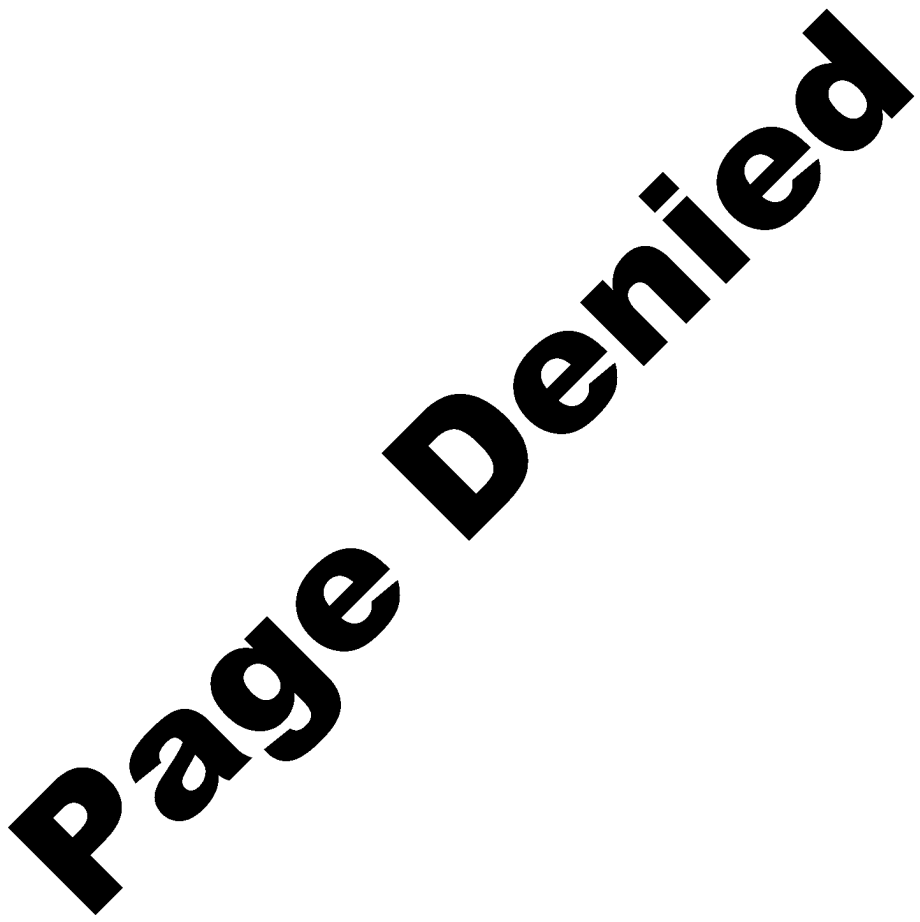

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D10

OLL 84-0099
10 January 1984

1 STAT

MEMORANDUM FOR THE RECORD

FROM: STAT
Legislation Division, OLL

SUBJECT: Meeting at SSCI Re Former Spouse Legislation

1. At the request of Vicki Toensing, Chief Counsel, Senate Select Committee on Intelligence (SSCI), I met with her and three former spouses of Agency employees and one current spouse of an Agency employee regarding Agency implementation of our former spouse annuity legislation in Central Intelligence Agency Retirement and Disability System (CIARDS). This meeting took place at the SSCI offices on 5 January 1984. Present were: Vicki Toensing, myself STAT
The purpose of this meeting was to allow these individuals an opportunity to express their concerns and the problems they have encountered in attempting to receive their annuity, or information concerning their rights to an annuity, from the Agency. Attached to this memorandum is a list of recommendations for the Agency with regard to former spouses of Agency employees which was drafted by STAT STAT.

2. The main concern voiced by all present is that there appears to be a lack of adequate notice being given both former and present spouses of Agency employees as to their entitlements under the former spouse annuity legislation. One woman present is a former spouse who, at no time, has received any notification of her rights to a portion of her former husband's annuity. Another woman present is currently married to an Agency employee and has just returned ahead of her husband from an overseas tour. At no time during this tour did she ever receive any type of notification of this legislation.

3. Another major concern that was voiced by all is the lack of awareness among Agency spouses of the existence of the Family and Employee Liaison Office. However, even those women present who had become aware of this office and had called this office for information concerning the annuity entitlements found that the personnel of the office were either unaware of the existence of the former spouse legislation or totally unprepared to answer any questions regarding its provisions or to refer the caller to an appropriate office or individual for further information.

4. According to the reports at this meeting, conflicting information is being given former spouses as to the status of the implementing regulations. One woman was told that the implementing

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regulations are classified and, therefore, unavailable to her. Another woman was told that the implementing regulations were not yet completed. In addition, some women have been told that the Agency would be developing a "fact sheet" which would be available to current and former spouses to inform them of the benefits granted under this legislation and the procedures which should be undertaken to secure these benefits. To date this fact sheet has not been produced to the extent of their knowledge.

5. Other problems which were mentioned during the course of this meeting included the difficulty former spouses are having in getting their medical records from the Agency. Another problem mentioned was the disadvantage former spouses are under when they have worked for the Agency overseas on a contract basis and later in a post-divorce situation they are unable to list this work experience in obtaining employment here in the States.

6. One question raised by Vicki Toensing concerned the type of information regarding this legislation which is being given to new employees. It seems very clear to her that we have a responsibility to inform all new employees of the benefits conferred under this legislation.

7. Vicki requested that I return to the Agency and see if I could ascertain what is being done by the Agency to inform current and former spouses and new Agency employees. She also anticipates that if these are recurrent problems which are being experienced across the board the SSCI will hold hearings on the implementation of this legislation during the upcoming Second Session.

8. Also attached to this memorandum are copies of correspondence which were given to me as examples of the problems former spouses are experiencing in this area.

STAT

Attachments

Distribution:

1 - Leg File - Former Spouses (Permanent)
1 - OLL Chrono
1 - KAD Signer
1 - D/OLL
1 - DD/OLL

KAD:pap (10 January 1984)

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RECOMMENDATIONS TO THE CENTRAL INTELLIGENCE AGENCY WITH RESPECT TO FORMER SPOUSES OF EMPLOYEES

I. CIA should take the responsibility to inform by individual letters all of the divorced dependent spouses of the existence of Title VI and what it can mean to them. If all of the people who need to know cannot be found, a press release should be issued to inform them of the existence and contents of Title VI.

Information to these spouses should include the following:

1. That he/she may be entitled to a share in the pension annuity and/or survivor annuity.

2. The criteria for entitlement.

3. The steps that must be followed to ensure entitlement--including any forms that are required and whether such forms must be notarized.

Dependent spouses should be given this information when employees enter on duty in the overseas career service, at the time of divorce (if it occurs), and again upon the employee's retirement.

A fact sheet should be put together, with the assistance of the Offices of General Counsel and Retirement Affairs, informing of all necessary steps to ensure retirement and survivor benefits are made available to every one eligible. These fact sheets should be available in the Family Employee Liaison Office (which currently is accessible only to persons with CIA connections) and to any attorney or spouse, current and former, who requests it.

II. The Family Employee Liaison Office should be developed into a strong and independent office. Both professionals and concerned volunteers and/or a genuinely powerful and effective ombudsman should be added to the staff. The Office should provide a communication channel for all Agency spouses, including former spouses. Assistance should be given to employees and to all family members.

III. The Office of Retirement Affairs should provide the House and Senate Committees with an annual report on the effectiveness of its efforts to implement Title VI, including the numbers of spouses communicated with and what efforts were made to inform and to assist CIA employees and their spouses under the Act.

IV. Medical records--including psychiatric evaluations and records of dependents, other evaluations--should be made available to dependents and former dependents without their having to use the Freedom of Information Act to obtain such information.

V. Information concerning legal responsibilities incurred as the result of a spouse's employment and/or any papers signed by the dependent in association with a spouse's employment should be set forth in writing by the Office of General Counsel and should be made available to any dependent or former spouse who requests such information.

STAT

5 January 1984

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STAT

Mr. Bernard Raimo
Select Committee on Intelligence
H 405, The Capitol
Washington DC 20515

Dear Bernie:

You asked me to document my experience with Agency vis a vis Title VI.

The enclosed letter from STAT is the first correspondence I have received from the Agency concerning the pension my former husband and I will share now that he has retired (effective mid-July).

My attorney, STAT, sent copies of the final decree of divorce and the property settlement addenda STAT in Personnel on March 9, 1983 with the request that we be informed if anything further was required. We received no response.

I called STAT and was told that my papers had arrived and would be given to the OGC and/or Retirement as was appropriate. I was warned that there was apt to be a delay of two to three months before we would begin receiving the retirement annuity. When my former husband retired in July, he informed me that everything had been taken care of and that there would not be any problems. (Se STAT

On August 10, 1983 I called the Retirement Affairs Branch and spoke with Mr. STAT informed me that the copies of the divorce decree and Property Settlement were not satisfactory and that I would have to send "certified" copies of these documents. This was done before the end of August.

STAT assured me that a pro forma letter was to be sent to all former spouses who might qualify for a share in a pension at the time of the employees' retirement and that I would receive mine soon. To date, I have received no such letter.

I called STAT during the first week of October, and he reassured me that such a letter would be coming soon but that mine had been held up in the OGC where a ruling on the tax status of the wife's share in the retirement annuity was to be made on an "individual basis." (I understand that the Department of State was given a blanket ruling from the IRS which exempted the wife from paying taxes on the annuity until the full amount which the couple had paid into it had been jointly recovered.)

STAT wanted a "case by case" ruling. It seems to me that my tax liability--if it should exist (and that would violate the basic premise that the wife had earned her share of the retirement)--is not the concern of the CIA.]

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I called [redacted] STAT in the OGC immediately after talking to Mr. [redacted] and was left with the impression that she agreed with me on this matter. I have not been informed of the outcome of [redacted] STAT reques to the OGC for a ruling on my tax status from the IRS via the OGC.

[redacted] letter arrived on October 14. My lawyer composed the STAT requested document which I signed under protest. On November 15, [redacted] STAT from Retirement called my attorney to say that a check was being sent to me immediately and that he needed my social security number. This was given to him and the first check arrived in the mail on the same day as a letter from my former husband who wrote that he was very upset that the Agency had managed to get things so confused. (See [redacted] STAT correspondence with [redacted] STAT

Several issues seem to me to be important.

A. [redacted] STAT did not lose his pension by remarrying prior to age 60 and, while Title VI does contain such a stipulation with regard to the wife's share in the pension, my property settlement does not. The premise of "Title VI" is that the wife helped to earn the pension and there is now some precedent for saying that annuities are joint property. I feel that this is an issue which ought to be addressed.

B. The OGC (and presumably Retirement) should produce a fact sheet to tell us (CIA officers and current as well as former spouses) exactly what is required and what they want us to provide (certified copy of divorce and P.S., statement promising to inform them of subsequent marriage, wife's social security number, etc.). A person is at a tremendous disadvantage trying to deal with a system that will not permit anyone to know what the rules are. Even with a good and careful attorney (and all of the expenses that service implies) to work with the Agency, the disadvantage remains since the lawyer also cannot know the rules.

Please note the letter to [redacted] from her lawyer Ms. [redacted] STAT as an example of the confusion that is the result of this dearth of information.

Apparently [redacted] STAT was also told that there were no application forms available and that there had only been one request to make use of the grace period for picking up the survivors' annuity and that it would show "great charity and kindness" were a retired husband to share his pension with a former wife.

Back in February when she was approving various versions of the wording of my Property Settlement addenda, [redacted] STAT was very concerned that it gave me the full amount of the survivor's annuity. She was very upset that my husband was giving me more than the law set. I explained that he had suggested that we do this. She had seen my husband the week before and had told me before that meeting that she had to make sure that he knew that, from the Agency's point of view, he did not have to sign the PS if he did not want too. She was not content that he understood the ruling on the survivor annuity until I had given her his phone number and she had called him to make sure that he knew what he was doing. "Giving away the store" was the term that she used. I know of no wife who was

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called by the OGC to make sure that she knew or understood anything that might help or harm her. (I must insert here that [redacted] STAT has been most willing to talk with me and with my lawyer. She called me November 21 to explain why Title VI excludes the non-employee spouse from the annuity and survivor benefits should she remarry.)

C. No former wife that I know of has received the letter stating that her husband has retired and that she may be eligible for a share in the annuity.

D. A former spouse cannot know if she is receiving her fair share. The actual amount of the total pension is "privledged information." (In once case I was told recently about, the wife had returned to the States and needed to know with whom the family had its health insurance. The Agency refused to tell her.) How is a woman to know that she is receiving the full amount to which she is entitled? Even a small error could add up to a large sum over the years.

I believe that adequate information on Title VI has not been given even though it was passed over a year ago. The Agency's refusal to provide guidelines to the parties (who really do need to know) cannot possibly be justified on security grounds.

I know of no effort to contact the already divorced wives so that they could arrange to pick up the option which might be available to them under the law--an option which has expired unless your Committee is willing to extend the coverage. In early October 1983 I was put in touch with a woman who had worked for the CIA prior to her marriage and been required to give up her position in order to go overseas with her husband. She worked for the Agency following her divorce but is now employed outside. She lives in McLean. She knew absolutely nothing of Title VI.

On July 26, 1983, I was told by an Agency employee who has no immediate concern in these matters, that some employees flatly refused to take home a paper for their wives to sign which would have informed these women of their rights under the new law. I asked [redacted] STAT about this in August and he did not seem to find it surprising. In fact, he suggested that quite a few had probably signed the forms themselves.

If the people in the Office of General Counsel and the Retirement Affairs Branch do not intend to put real effort into seeing that this new law is implemented (and publicized) then women who are not informed will not benefit from it.

I have four suggestions to make:

I. that the Agency be required to send each divorced (divorcing) wife a letter stating:

1. she may be entitled to a share in the pension annuity and/or survivor annuity;

2. the criteria for entitlement;

3. the steps that must be followed to insure entitlement.

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II. that the Select Committee extend the provision for the already divorced wives to participate in the survivor annuity for another year and insist that the Agency inform them individually (Are not all CIA employees required to inform the organization each time that they are involved in a legal action? That would provide some record of these women.) or else that they issue a press release informing eveyone of the existence and content of Title VI.

III. that a fact sheet including the steps necessary should be made available both in the Family Employee Liaison Office and to any attorney who requests it. It will never be possible to enforce the implementation of Title VI as long as the regulations are "classified".

IV. that a strong and independent Family Employee Liaison Office (see enclosed article from the Association of American Foreign Service Women's newsletter) manned by both professionals and concerned volunteers and/or a genuinely powerful and effective Ombudsman be developed to provide a communication channel for all Agency spouses--former and current.

Thank you very much for your time and attention.

Sincerely,

[redacted] STAT

cc: [redacted] STAT

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